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Berthelemy v. Johnson, 3 B. Mon. 90; *Muir v. Muir*, 28 Ky. L. Rep. 1355. A court rarely awards so large a part of the husband's property as in the principal case. Most cases hold that an award of one-half of the husband's property is excessive. Judge COOLEY so holds in *Hamilton v. Hamilton*, 37 Mich. 603. On facts much like those in *Snay v. Snay*, supra, the court held in *Ross v. Ross*, 78 Ill. 402 that an award of all the husband's property was excessive.

DIVORCE—MATRIMONIAL DOMICIL.—Plaintiff, whose original domicile was in Louisiana, at the age of eighteen entered West Point and later the United States Army, continuing in that service thirty-one years. During this time he was married to defendant in Brooklyn and resided there with her for twelve years; she refused to follow him to Oregon, (where he was sent by military order) and he, having returned to Louisiana to reside, brought suit for divorce on the ground of desertion. *Held*, that he never lost his domicile in Louisiana and that the court had jurisdiction. *Stevens v. Allen* (La. 1916), 71 So. 936.

The case is interesting because the statute of Louisiana defines abandonment as a withdrawing from the "common dwelling," and prior Louisiana decisions (*Heath v. id.*, 42 La. Ann. 437; *Muller v. Hilton*, 13 La. Ann. 1) have intimated that such "common dwelling" must have been in Louisiana. In the principal case the marriage was in New York, the desertion took place there, defendant is residing there, and has never been in Louisiana. Therefore the court deemed it important to establish the fact that at the time of the desertion the matrimonial domicile was in Louisiana. The court comes to that conclusion by the following steps: (1) A married woman has no other domicile than that of her husband (*Birmingham v. O'Neil*, 116 La. 1085; *Strouse v. Leipf*, 101 Ala. 433); unless through his fault she acquires a separate domicile (*Wilcox v. Nixon*, 115 La. 47; *King v. King*, 122 La. 582). (2) Unless otherwise provided by law a domicile of origin is retained until another is acquired (*First National Bank v. Hinton*, 123 La. 1025; *Borland v. Boston*, 132 Mass. 89). (3) Domicil is not forfeited by absence on business of the state or of the United States (*Bank of Phoebus v. Byrum*, 110 Va. 708; *Knowlton v. Knowlton*, 155 Ill. 158). (4) If the wife refuses unjustifiably to follow the husband it would amount to desertion on her part and give jurisdiction to the courts of the state to which the husband removed. The principal case seems at first blush to be identical with *Haddock v. Haddock*, 201 U. S. 567, in regard to its facts. In that case Haddock was domiciled in New York, and was married there; he abandoned his wife there, and went to Connecticut, where he acquired a domicile. He secured a divorce from her without personal service of process in that state, on the ground of desertion. Later the wife in New York sued Haddock for divorce and he set up the Connecticut decree in defense. It was held to be not binding on the New York court on the ground that the matrimonial domicile continued in New York and never was in Connecticut; so Connecticut did not have jurisdiction over the entire res. The principal case differs, of course, in the fact that the husband's original (and, as he claimed, sole) domicile was in the state where he seeks his divorce.